

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
OFFICE OF THE CLERK

BRIAN D. KARTH
DISTRICT COURT EXECUTIVE / CLERK OF COURT
SANDRA DAY O'CONNOR U. S. COURTHOUSE
SUITE 130, 401 W. WASHINGTON ST., SPC 1
PHOENIX, ARIZONA 85003-2118

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405 W. CONGRESS, SUITE 1500
TUCSON, ARIZONA 85701-5010

November 25, 2013

USDC, Eastern District of New York
ATTN: Clerk of the Court
Theodore Roosevelt U.S Courthouse
225 Cadman Plaza East, Room 118S
Brooklyn, NY 11201-1818

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **DEC 05 2013** ★

LONG ISLAND OFFICE

RE: USA v. Tommy C. Constantine
Your case number: CR-13-0607-02 *JFB*
Arizona case number: 13-07383M-002

Dear Clerk of the Court:

The above charge originated in your district. The defendant has appeared before Magistrate Judge Bridget S. Bade in Phoenix, Arizona. The following action has been taken.

- ☒ U S MARSHAL HAS BEEN ORDERED TO REMOVE THE DEFENDANT TO THE CHARGING DISTRICT.

You may access electronically filed documents in this case at our ECF/PACER web address <http://ecf.azd.uscourts.gov>. Any documents not available electronically are enclosed in paper format along with a copy of the docket sheet and either the Order to Appear or the Commitment to Another District.

Please acknowledge receipt on the enclosed copy of this letter and return to the Phoenix office.

Sincerely,

BRIAN D. KARTH,
CLERK OF COURT/DISTRICT COURT EXECUTIVE

By: s/E. Leon
Elaine Leon, Deputy Clerk

Enclosures

The staff of the Clerk's Office ensures the effective, efficient and professional delivery of clerical and administrative services, while fostering a customer-friendly and employee-friendly environment.

AO 466A (Rev. 12/09) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

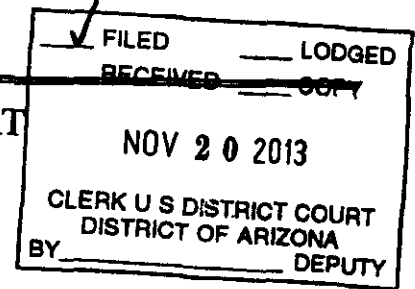
UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America
v.
Tommy C. Constantine - 002, et al.
Defendant

Case No. 2:13-mj-07383-BSB

Charging District's Case No. CR-13-607



WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) Eastern District of New York

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 11/18/2013

Defendant's signature

Signature of defendant's attorney

Carmen A. Chenal (009428)

Printed name of defendant's attorney

CLOSED

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CRIMINAL DOCKET FOR CASE #: 2:13-mj-07383-BSB-2
Internal Use Only**

Case title: USA v. Kenner et al

Date Filed: 11/13/2013

Date Terminated: 11/22/2013

Assigned to: Magistrate Judge Bridget
S Bade

Defendant (2)

Tommy C Constantine
TERMINATED: 11/22/2013
also known as
Tommy C Hormovitis
TERMINATED: 11/22/2013

represented by **Carmen A Chenal**
Wilenchik & Bartness PC
2810 N 3rd St.
Phoenix, AZ 85004
602-606-2810
Fax: 602-606-2811
Email: carmenc@wb-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Dennis Ira Wilenchik
Wilenchik & Bartness PC
2810 N 3rd St., Ste. 103
Phoenix, AZ 85004
602-606-2810
Fax: 602-606-2811
Email: diw@wb-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

CM/ECF - azd

Page 2 of 5

Highest Offense Level (Terminated)

None

Complaints18:1349; Attempt and Conspiracy to
Commit Mail Fraud**Disposition****Plaintiff**

USA

represented by **Vincent Quill Kirby**
 US Attorneys Office - Phoenix, AZ
 2 Renaissance Square
 40 N Central Ave., Ste. 1200
 Phoenix, AZ 85004-4408
 602-514-7500
 Fax: 602-514-7650
 Email: Vincent.Kirby@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
11/13/2013	<u>3</u>	Arrest (Rule 5) warrant from the Eastern District of New York as to Tommy C Constantine (2). Charging document filed at doc. 1. (SMH) (Entered: 11/14/2013)
11/14/2013	<u>4</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Bridget S Bade: Initial Appearance in Rule 5 Proceedings as to Tommy C Constantine held on 11/14/2013. Notice of Appearance entered by Carmen A Chenal on behalf of defendant. Rule 5 Identity Hearing waived. Warrant of Removal will not issued. Defense counsel is directed by the Court to complete and submit the proper waiver form by the next hearing. Appearances: AUSA Dominic Lanza for the Government, retained attorney Carmen Chenal for defendant. Defendant is present and in custody. Detention Hearing set for 11/15/2013 at 01:30 PM in Courtroom 501, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Bridget S Bade. (Recorded by COURTSMART.) Hearing held 3:16 PM to 3:20 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (ESL) (Entered: 11/14/2013)
11/14/2013	<u>5</u>	NOTICE OF ATTORNEY APPEARANCE: Retained attorney Carmen A Chenal appearing for Tommy C Constantine. (SMH) (Entered: 11/14/2013)
11/14/2013	<u>6</u>	NOTICE <i>Detention Brief</i> by USA as to Tommy C Constantine. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Lanza, Dominic) (Entered: 11/14/2013)

11/15/2013	<u>7</u>	IT IS ORDERED the Detention Hearing, as to Tommy C Constantine, presently set for 11/15/13 at 1:30 PM is RESET AS TO TIME ONLY. Detention Hearing set for 11/15/2013 at 01:15 PM in Courtroom 501, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Bridget S. Bade. (BSB, ew)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 11/15/2013)
11/15/2013	<u>8</u>	*EXHIBIT LIST and Witnesses List by Tommy C Constantine (Chenal, Carmen) *Modified to include text on 11/18/2013 (KMG). (Entered: 11/15/2013)
11/15/2013	<u>9</u>	*Detention BRIEF/Request for Release Conditions by Tommy C Constantine (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E-1, # <u>6</u> Exhibit E-2)(Chenal, Carmen) *Modified to include text on 11/18/2013 (KMG). (Entered: 11/15/2013)
11/15/2013	<u>10</u>	TRANSCRIPT REQUEST by USA as to Tommy C Constantine for proceedings held on 11/15/2013 before Judge Bade. (Lanza, Dominic) (Entered: 11/15/2013)
11/15/2013	<u>11</u>	MOTION for Leave to Appear Telephonically of Witness Jennifer Constantine at Hearing on November 18, 2013 at 3:00 pm by Tommy C Constantine. (Chenal, Carmen) (Entered: 11/15/2013)
11/15/2013	<u>13</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Bridget S Bade: Detention Hearing as to Tommy C Constantine begun on 11/15/2013. Appearances: AUSA Dominic Lanza for the Government, retained attorney Carmen Chenal for defendant. Defendant is present and in custody. Detention Hearing continued for 11/18/2013 at 03:00 PM in Courtroom 501, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Bridget S Bade. (Recorded by COURTSMART.) Hearing held 1:24 PM to 2:04 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (ESL) (Entered: 11/18/2013)
11/18/2013	<u>14</u>	ORDER as to Tommy C Constantine re: <u>11</u> Motion to Appear Telephonically, granting the telephonic appearance of Jennifer Constantine at the detention hearing scheduled for Monday, November 18, 2013 at 3:00 p.m. before Magistrate Judge Bridget S. Bade, Sandra Day OConnor U.S. Courthouse, Courtroom 501, Phoenix, Arizona. Signed by Magistrate Judge Bridget S Bade on 11/18/13.(ESL) (Entered: 11/18/2013)
11/18/2013	<u>15</u>	EXHIBIT LIST by Tommy C Constantine (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5 (part 1 of 2), # <u>6</u> Exhibit 5 (part 2 of 2))(Chenal, Carmen) (Entered: 11/18/2013)
11/18/2013	<u>17</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Detention Hearing as to Tommy C Constantine held on 11/15/2013, before Magistrate Judge Bade. Transcriber Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/9/2013. Redacted Transcript Deadline set for 12/19/2013. Release of Transcript Restriction set

		for 2/18/2014. (MAS) (Entered: 11/18/2013)
11/18/2013	<u>19</u>	<p>MINUTE ENTRY for proceedings held before Magistrate Judge Bridget S Bade: Detention Hearing as to Tommy C. Constantine continued on 11/18/2013. Oral argument continues. Defendant Tommy C. Constantine sworn and examined.</p> <p>Appearances: AUSA Dominic Lanza for the government, retained attorney Dennis Wilenchik and Carmen Chenal for defendant. Defendant is present and in custody. Continuation of Detention Hearing set for 11/20/2013 at 04:00 PM in Courtroom 501, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Bridget S Bade. (Recorded by COURTSMART.) Hearing held 3:07 PM to 4:27 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (ESL) (Entered: 11/19/2013)</p>
11/19/2013	<u>18</u>	NOTICE OF ATTORNEY APPEARANCE: Dennis Ira Wilenchik appearing for Tommy C Constantine . (Wilenchik, Dennis) (Entered: 11/19/2013)
11/20/2013	<u>21</u>	TRANSCRIPT REQUEST for proceedings held on 11/18/2013 before Judge Bade. (Capwell, Carrie) (VPB) (Entered: 11/20/2013)
11/20/2013	<u>22</u>	TRANSCRIPT REQUEST for proceedings held on 11/20/2013 before Judge Bade. (Capwell, Carrie)(VPB) (Entered: 11/20/2013)
11/20/2013	<u>28</u>	<p>MINUTE ENTRY for proceedings held before Magistrate Judge Bridget S Bade: Detention Hearing as to Tommy C Constantine held on 11/20/2013. Defendant ordered released on a \$500,000 property bond and with conditions. Defense counsel is directed to record and file the bond no later than Friday, November 22, 2013. The Government requests a 24 hour stay of release. GRANTED. The Court orders the defendant to be brought to the Courthouse on Friday, November 22, 2013 BAG AND BAGGAGE. Should circumstances change, the Government is to contact the Court as soon as possible. Rule 5 Identity Hearing waived.</p> <p>Appearances: AUSA Dominic Lanza for the Government, retained attorney Carmen Chenal for defendant. Defendant is present and in custody. (Recorded by COURTSMART.) Hearing held 4:33 PM to 4:54 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (ESL) (Entered: 11/21/2013)</p>
11/20/2013	<u>29</u>	WAIVER of Rule 5 and 5.1 Hearings by Tommy C Constantine. (ESL) (Entered: 11/21/2013)
11/20/2013	<u>36</u>	*STAYED per order filed in the Distciot of New York. Order Setting Conditions of Release as to Tommy C Constantine. Signed by Magistrate Judge Bridget S Bade on 11/20/13. (Note: Redacted Bond paperwork is also attached. Original Bond located with Customer Service.)(ESL) (Entered: 11/25/2013)
11/21/2013	<u>30</u>	IT IS ORDERED vacating the Bag and Baggage (Release from USMS Lock-up), as to Tommy C Constantine presently set for 11/22/13 at 8:30 a.m before Magistrate Judge David K. Duncan. Ordered by Magistrate Judge

		Bridget S. Bade.(BSB, ew)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 11/21/2013)
11/21/2013	<u>31</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (Detention Hearing - Part 2) as to Tommy C Constantine held on 11/18/2013, before Magistrate Judge Bade. Transcriber Elizabeth Lemke. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/19/2014. (MAS) (Entered: 11/21/2013)
11/21/2013	<u>32</u>	Miscellaneous Document: Order from the Eastern District of New York as to the release of Tommy C Constantine. that the release order entered on November 20, 2013, by the Honorable Bridget S. Bade, United States Magistrate Judge, District of Arizona, is hereby stayed pending the disposition of the government's motion for review of said release order in the Eastern District of New York. (ESL) (Entered: 11/21/2013)
11/21/2013	<u>33</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (Detention Hearing Part 3) as to Tommy C Constantine held on 11/20/2013, before Magistrate Judge Bade. Transcriber Elizabeth Lemke. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/19/2014. (MAS) (Entered: 11/21/2013)
11/22/2013	<u>34</u>	COMMITMENT TO ANOTHER DISTRICT as to Tommy C. Constantine. Defendant committed to the Eastern District of New York. Signed by Magistrate Judge Bridget S. Bade on 11/21/2013. (MRH) (Entered: 11/22/2013)
11/25/2013	<u>37</u>	Letter addressed to the Eastern District of New York regarding the availability of Rule 5 documents as to Tommy C Constantine. (ESL) (Entered: 11/25/2013)

United States District Court--District of Arizona - Phoenix
Order Setting Conditions of Release

DATE:

CASE NUMBER: 13-07383M-002

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
NOV 20 2013	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY _____

USA vs. Tommy C. Constantine

☐ PERSONAL RECOGNIZANCE☒ AMOUNT OF BOND \$500,000☐ UNSECURED☒ SECURED BYSECURITY TO BE POSTED BY November 20, 2013

NEXT APPEARANCE or as directed through counsel

☐ 401 West Washington St., Phoenix, AZ, Courtroom #, Floor☐ Goodwin & Cortez, US Post Office Bldg., Prescott, AZ, 2nd Floor**IT IS ORDERED THAT DEFENDANT IS SUBJECT TO**

- ☒ appear at all proceedings as required and to surrender for
- ☒ not commit any federal, state or local crime.
- ☒ cooperate in the collection of a DNA sample if the collector
- ☒ immediately advise the court, defense counsel and U.S. Attorney
- ☒ maintain or actively seek verifiable employment or (combine) and provide proof of such to Pretrial Services.
- ☒ not travel outside of: Arizona except Defendant may travel directly to the prosecuting district, and through all states and counties in between the District of Arizona and the prosecuting district, for Court purposes and lawyer conferences only, unless express PRIOR Court or Pretrial Services permission is granted to do so.
- ☒ avoid all direct or indirect contact with: co-defendants, alleged victims, and witnesses unless prior Court or Pretrial Services permission is granted.
- ☒ report as directed to the U.S. PRETRIAL SERVICES 1-800-769-7609 or 602-322-7350.
- ☐ report as directed to the U.S. PROBATION OFFICE 602-322-7400 and abide by all terms of conditions of Supervised Release/Probation.
- ☒ execute an agreement to forfeit upon failing to appear as required, the bond or designated property: _____
- ☐ Defendant is placed in the third party custody of _____
- ☒ refrain from ☐ any ☒ excessive use of alcohol and not use or possess any narcotic or other controlled substance defined by 21 U.S.C. 802 unless prescribed for defendant by a licensed medical practitioner in the course of his/her legitimate medical practice. This provision does not permit the use or possession of medicinal marijuana even with a physician's written certification.
- ☐ participate in drug/alcohol counseling/treatment and submit to drug/alcohol testing, including breathalyzer testing and make copayment toward the cost as directed by U. S. Pretrial Services. The defendant shall not interfere, obstruct or tamper in any way with the administration of any Court ordered substance abuse testing.
- ☒ shall surrender all travel documents to Pretrial Services by 11/20/13 and will not obtain a passport or other travel document during the pendency of these proceedings.
- ☐ not possess or attempt to acquire any firearm, destructive device, or other dangerous weapon or ammunition.
- ☒ maintain weekly contact with his/her counsel by Friday, noon of each week with Carmen Chenal
- ☐ shall timely pay his/her monthly child support payments as previously ordered by the subject state court in the total amount of \$ _____
- ☐ The defendant shall actively participate in any mental health treatment program as directed by Pretrial Services. The defendant shall comply with all treatment requirements including taking all medication as prescribed by his/her mental health care provider.
- ☐ shall not access via computer or possess any photographs or videos of sexually explicit conduct as defined by 18 U.S.C. § 2256(2)
- ☒ The defendant shall not obtain any new financial accounts, personal or business related, without prior notification and approval of Pretrial Services. The defendant shall provide financial documentation as directed by Pretrial Services.
- ☒ The defendant shall not be a passenger on a private aircraft and shall not work with aircraft in any capacity.

ADVICE OF PENALTIES AND SANCTIONS

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years if the offense is a felony or a term of imprisonment of not more than one year if the offense is a misdemeanor. This sentence shall be consecutive to any other term of imprisonment.

Title 18 U.S.C. §1503 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years, and a \$250,000 fine to intimidate a juror or officer of the court; Title 18 U.S.C. §1510 makes it a criminal offense punishable by up to five years imprisonment and a \$250,000 fine to obstruct a criminal investigation; Title 18 U.S.C. §1512 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section by not more than twenty years or by not more than ten years and a \$250,000 fine for tampering with a witness, victim or informant; or by intentionally harassing another person and thereby hindering /delaying /preventing or dissuading any person from attending or testifying in an official proceeding or otherwise violating the section is punishable by imprisonment for not more than one year and a \$250,000 fine; and 18 U.S.C. §1513 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years of imprisonment, a fine of \$250,000, or both, to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 U.S.C. §3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for: (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both; (2) an offense punishable by imprisonment for a term of five years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years or both; (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both; (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

If the person was released for appearance as a material witness, a fine as provided by law or imprisonment for not more than one year, or both.

ACKNOWLEDGMENT OF DEFENDANT

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

DATE <u>11/20/13</u>	SIGNATURE OF DEFENDANT 
----------------------	--

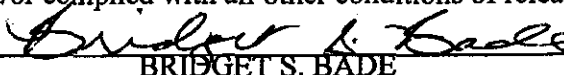
Custodian agrees to (a) supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and to notify the court immediately in the event the defendant violates any condition of release or disappears. We, the undersigned, have read and understand the terms of this bond and conditions of release and acknowledge that we are bound by it until duly exonerated.

SIGNATURE OF CUSTODIAN(S)

Directions to United States Marshal:

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions of release.

DATE: 11/20/2013



BRIDGET S. BADE
United States Magistrate Judge

USA, PTS/PROB, USM, DEFT, DEFT ATTY

USA v. Tommy C. Constantine CASE NUMBER 13-07383M-002**ADDITIONAL CONDITIONS OF RELEASE**

- ☐ The defendant shall participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.
- ☐ **(Curfew)** You are restricted to your residence every day ☐ from ____ to ____ ,
or ☐ as directed by the supervising officer.
 - ☐ **(Home Detention)** You are restricted to your residence at all times except for employment; education; religious services, medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer.
 - ☐ **(Home Incarceration)** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.
- ☒ Submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology. The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising office determines.
- ☐ Location monitoring technology at the discretion of the officer
 - ☐ Radio Frequency (RF) Monitoring
 - ☐ Passive GPS Monitoring
 - ☒ Active GPS Monitoring

☐ _____

ACKNOWLEDGMENT OF DEFENDANT

DATED THIS 20th DAY OF November, 2013

AO 100A (Rev. 01/09) Bail Information Sheet

UNITED STATES DISTRICT COURT

for the
District of ArizonaUnited States of America
v.
Tommy Constantine- 002, et al.
Defendant

Case No. CR13-7383M-2-BSB

BAIL INFORMATION SHEET

(Under Fed. R. Crim. P. 49.1, this form may only be filed in court if redacted or under seal.)

REDACTED

Defendant's information:

Name: Tommy ConstantineDate of birth: 11-11-1981 Social Security No.: 1-1-1-1-1-1-1-1-1-1-1-1Immigration status: American Citizen Alien Registration No.: n/aHome address: 1111 1st St, Scottsdale, AZ 85260Home/cell phone No(s): 480-444-1111Employer's name: EUEORAEmployer's address: 1111 1st St, Scottsdale, AZ 85260Work phone No.: 480-444-1111 Length of employment: 12 yrs ☐ months ☒ years

Name, address, and phone number of any persons with whom defendant will live during pendency of the case:

Sarah Bowers

Name, address, and phone number of any persons residing in the United States who will know how to contact defendant, aside from sureties on this bond:

Mark D'Ambrosio

I swear under penalty of perjury that the above information is true.

[Signature]
Defendant's signature

Defendant's attorney information:

Name: Carmen A. Chenal (ABN: 009428) Phone(s): (602) 606-2810Address: Wilenchik & Partners PC, 2810 N. Third St., Phoenix, Arizona 85004AUSA: [Signature] (Initials)Defendant's Attorney: CAC (Initials)

AO 100B (Rev. 12/09) Surety Information Sheet

UNITED STATES DISTRICT COURT

for the
District of ArizonaUnited States of America
v.
Tommy Constantine -002, et al.
Defendant

Case No. CR13-7383-M-2-BSB

REDACTED

SURETY INFORMATION SHEET

(Under Fed. R. Crim. P. 49.1, this form may only be filed in court if redacted or under seal.)

Use a separate information sheet for each surety.

Attach photocopies of two pieces of personal identification, including at least one picture I.D. for each.

Surety information:

Name: Kiki H. Constantine

Date of birth: /1939

Social Security No.:

Immigration status: American Citizen

Alien Registration No.: n/a

Home address:

Scottsdale, Arizona 85255

Home/cell phone No(s):

Employer's name: Retired

Employer's address: n/a

n/a

Monthly salary (gross): \$ 0.00

Work phone No.: Length of employment: 0 ☐ months ☐ years

Source of additional income (if applicable): Social Security

Amount of additional income (if applicable):

Real property owned by surety (if more than one piece of property, please use additional sheets):

Address:

Value: \$ 550,000.00 Equity in property: \$ 550,000.00 Are payments/taxes current? ☒ Yes ☐ No

Any holders of trust deeds: n/a

Is proof of surety's title to property attached? ☒ Yes ☐ No

Appraisal? See attached

AUSA: (initials)

Surety (initials)

AO 100B (Rev. 12/09) Surety Information Sheet (Page 2)

Affidavit by Owner of Cash Security
(Complete if applicable)

I, _____, declare that the \$ _____ cash deposited as security on the foregoing bond is owned by me and is to be returned to me at the address listed on page one of this information sheet upon exoneration of this bond. I subject these funds to the provisions of any applicable local court rule and agree that in case of default or willful contempt of court on the part of the principal, the court may, upon at least 14 days notice to me, summarily render judgment against the cash security.

Justification of Surety and Surety Agreement

I, Kiki H. Constantine, declare under penalty of perjury, that my net worth is \$ _____ and that I have read and understand this two-page information sheet. I further understand that by signing the appearance bond and this information sheet, I will be responsible for the defendant's appearances in court and the defendant's compliance with all conditions of release as ordered by the court. If the defendant does not appear or comply with the conditions of release, I will be required to pay the amount of the bond, any security I have posted may be taken by the Government, and a judgment may be entered against me. If judgment is entered against me, a judgment lien will be filed with the county recorder in all appropriate counties for the full amount of the bond.

I declare under penalty of perjury that all information contained in this bond and on this surety information sheet is true.

Date: 11/19/2013

K Constantine

Surety's signature

Signed before me.

* Before me this 19th day of November 2013, personally appeared Kiki H. Constantine in the county of Maricopa, State of Arizona.

Hilary Myers
Notary Public 11/2/17

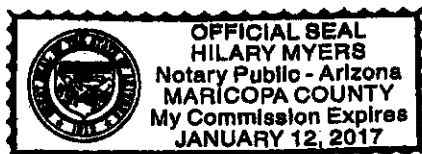
Signature of witness to surety's signature

Printed name of witness to surety's signature

Address of witness to surety's signature

AUSA: [Signature] (initials)

Defendant's Attorney: CAC (initials)



When recorded mail to:

Name: _____

Address: _____

City/State/Zip: _____

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
2013-1004835 11/21/13 10:52 AM
PAPER RECORDING

1014811-2-1-1
Garciac

this area reserved for county recorder

REDACTED 13-7383M

CAPTION HEADING:

<input type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input checked="" type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
NOV 21 2013	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY _____

DO NOT REMOVE

This is part of the official document

WAIVER OF HOMESTEAD EXEMPTION

I, Kiki H. Constantine, hereby declare that I am the (sole) owner of the real property being posted as security for the release from custody of Tommy Constantine and that said property is my home. As to that real property, located at _____, Scottsdale, (85255), Arizona, I hereby waive the homestead exemption afforded me by Arizona Revised Statutes §§33-1101 to 1107 and any other statutory real property exemption under Arizona law. I understand that if the above-named person fails to appear for any of the scheduled court appearances including trial or otherwise violates any condition of the court's release order, I will be unable to declare or assert any real property or homestead exemption in the event the court orders a forfeiture of the bond securing the conditions of release for the above-named person. I further understand that as a result of this waiver one possible result of a court-ordered forfeiture could be the enforcement of the conditions of the bond as if were enforcing a money judgment against my ownership interest in my home.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 19th day of November, 2013.

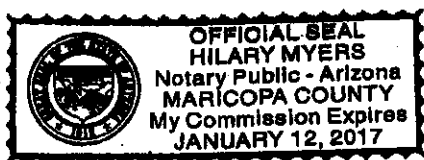
Kiki H. Constantine
(Signature)

KIKI H CONSTANTINE
Homeowner Name (Printed)

(Signature)

Homeowner Name (Printed)

* Before me this 19th day of November 2013,
personally appeared Kiki H. Constantine in
the County of Maricopa, State of Arizona.



Hilary Myers 1/12/17
Notary Public

MJ-13-07383-PHX-BSB

When recorded mail to:

Name: _____

Address: _____

City/State/Zip: _____

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
2013-1006802 11/21/13 03:47 PM
PAPER/RECORDING

1017146-37-1-1
floresc

FILED	LODGED
<input checked="" type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
NOV 22 2013	
CLERK U.S. DISTRICT COURT	
BY: [Signature] DEPUTY	

this area reserved for County of Maricopa

CAPTION HEADING:

DO NOT REMOVE

This is part of the official document

AO 98 (Rev. 12/11) Appearance Bond

UNITED STATES DISTRICT COURT

for the

District of Arizona

United States of America
 v.
 Tommy Constantine-002, et al.

Case No. 2:13-mj-07383-BSB

 Defendant

APPEARANCE BOND

Defendant's Agreement

I, Tommy Constantine (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (☒) to appear for court proceedings;
 (☒) if convicted, to surrender to serve a sentence that the court may impose; or
 (☒) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- () (1) This is a personal recognizance bond.
 () (2) This is an unsecured bond of \$ _____.
 () (3) This is a secured bond of \$ 500,000.00, secured by:
 () (a) \$ _____, in cash deposited with the court.

- (☒) (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value):

See attachments. Residential Property free and clear, Exhibit "A"

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- () (c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety):*

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 11/20/13



Defendant's signature

KIKI H. CONSTANTINE
Surety/property owner – printed name

K. Constantine 11/19/2013
Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: 11-20-13



Signature of Clerk or Deputy Clerk

Approved.

Date: 11-20-13

Wendell L. Balle
Judge's signature

